

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

**Case No. 3:23-MD-3071
MDL No. 3071**

**This Document Relates to:
ALL CASES**

Chief Judge Waverly D. Crenshaw, Jr.

**CERTAIN DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO PLEAD
AGENCY LIABILITY**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Apartment Management Consultants, LLC (“AMC”), Avenue5 Residential, LLC (“Avenue5”), Bozzuto Management Company (“BMC”), First Communities Management, Inc. (“FCM”), FPI Management, Inc. (“FPI”), Pinnacle Property Management Services, LLC (“Pinnacle”), Rose Associates, Inc. (“Rose”), and ZRS Management, LLC (“ZRS”) (collectively, “the Property Management Defendants”)¹ move for dismissal of the Multifamily Housing Second Amended Consolidated Class Action Complaint (ECF No. 530) for failure to state a claim.² For the reasons articulated in Certain Defendants’ Memorandum of Law in Support of Motion to Dismiss for Failure to Plead Agency Liability, which has been filed contemporaneously herewith, the Court should grant the

¹ The Property Management Defendants bringing this motion include the Defendants that brought a similar motion based on agency liability on July 7 (*see* ECF 344), as well as AMC, FCM, and Rose.

² The above-named Defendants bring this motion on their own behalf and are not moving on behalf of other Defendants identified by Plaintiffs as “Managing Defendants.” The Property Management Defendants make this motion without intending any impact as to the ability of other Defendants to raise similar agency arguments in the future.

Property Management Defendants' Motion and dismiss Plaintiffs' claims in their entirety and with prejudice as to the Property Management Defendants.

Pursuant to LR 7.01, the undersigned counsel certify that they have conferred with Plaintiffs' Interim Co-Lead Counsel who indicated that Plaintiffs will stand on their allegations and will oppose the relief sought by this motion.

DATED: October 9, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered on the CM/ECF system.

DATED this 9th day of October 2023.

/s/ Kenneth S. Reinker

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